IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPLICATION NO. 1927 OF 2005
IN
CRIMINAL APPEAL NO. 84 OF 2001

Sunder Balraj Nadar .. Applicant
(Org. Accused)

Vs.

1. The State of Maharashtra and anr. .. Respondent

Mr. H.K. Prem and Ms. Priyanka Veged for applicant.
Ms. P.H. Kantharia, APP for Respondents-State.

CORAM: S.S. PARKAR & SMT. RANJANA DESAI, JJ.

Date : May 05, 2005.

P.C.:

1. Heard both sides.

2. This application is made for bail. The earlier application for bail was rejected by this court on 10/9/2001 on merits. The prayer for bail was rejected at the time of admission of appeal also on 23/3/2001. The main evidence on the basis of which the application for bail was turned down earlier was that there is dying declaration of wife implicating the applicant who is the husband of the deceased.

3. On behalf of the applicant medical certificate in respect of illness of his mother is also annexed

who is stated to be suffering from cancer and doctor has advised her to undergo operation. On behalf of the respondents-State the Investigating Officer has made inquiry and it is confirmed by the learned APP that the applicant's mother is suffering from cancer and though advised she is at present not in a fit condition to undergo operation.

4. The learned Advocate appearing for the applicant states that at this stage the applicant may be released on temporary bail on the medical ground due to the illness of applicant's mother. He further states that the applicant is in custody since 11th January 2001 when the order of conviction was recorded against him. It is submitted that though the appeal is of the year 2001 still appeal paper book is not ready and, therefore, it would take quite some time before the appeal could be heard finally.

5. In the circumstances, we direct the release of the applicant on temporary bail for a period of three months from the date of his release on furnishing bail in the sum of Rs.20,000/- with one or two sureties to make up the amount on condition that he shall report to the police station once in a week in the area where the applicant's mother is residing. The applicant

shall also furnish his residential address to the Senior Inspector of Pydhonie Police Station, Mumbai, of the place where he will be residing during the bail period. The application shall stand disposed of accordingly.

(S.S. Parkar, J.)

(Smt. Ranjana Desai,J.)